

REMARKS

The Final Office Action dated September 10, 2010 has been reviewed and carefully considered. Claims 1-6 and 8-10 are pending. Reconsideration of the above-identified application in light of the amendments and remarks herein is respectfully requested.

Claims 1-6, and 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Maissel et al (U.S. Pub. 2004/0049787 A1) in view of Sha-Nazaroff et al. (U.S.Patent No.: 6,317,881) and Rowe et al (U.S.Patent No.: 5,812,123).

The Final Office Action indicates that "If the program is not scheduled to begin for 2 hours, the program is meeting a "negative" criterion, by being temporally offset from the current time by 2 hours. This criterion is "temporally limited" as the program will eventually reach the top of the programming list as the current time approaches the broadcast time of the program." Applicants respectfully disagree. Time is not a temporally limited criterion, since all programs will be sorted by time (or, for example, by category). If all programs are sorted by the same criterion, there is nothing temporally limited about the particular criterion. The present invention repositions programs that met temporally limited criterion, not all programs will meet this temporally limited

criterion, as the example of time cited with regard to Rowe and Lemmons. Yes, if a new sort is conducted at a later time, the older programs will move up on the list – however, there is still nothing that is sorted based on temporally limited criterion(s).

Nevertheless, to further prosecution of the invention, claims 1, 6 and 9 have been amended to recite the limitations of, “wherein programs *with content* fulfilling a temporally limited criterion are positioned at a distance from the current navigation position in the list, which distance corresponds to the remaining duration of the criterion.”

Applicant respectfully submits that the cited Maissel, Sha-Nazaroff, and Rowe, alone or in combination, fail to teach or suggest the above limitations. Nothing in Maissel, Sha-Nazaroff, and Rowe teaches using *content* within a program as the basis for a temporally limited criterion

As further described in the specification on page 5, lines 1-8:

Such a negative criterion may be a block of commercials which has been inserted in the program and which the user would like to skip. In accordance with the proposed method, the corresponding program is then repositioned in the list, i.e. it is moved further away from the currently selected program (selection position) as the duration of the commercial block is longer. In this way, it is

achieved that, when zapping through the program, the user will most probably not reach the program with the commercials until after the negative criterion has been eliminated, i.e. until after the block of commercials has ended.

Since Maissel, Sha-Nazaroff and Rowe, alone or in combination, do not teach all of the limitations of independent claims 1, 6 and 9, they cannot substantiate a §103 rejection of the present invention. For at least the above cited reasons, Applicant submits that Claims 1, 6 and 9 are patentable over Maissel, Sha-Nazaroff and Rowe.

With regard to claims 2-5, 8 and 10 these claims depend from the independent claim discussed above, which have been shown to be allowable in view of the cited reference. Accordingly, each of claims 2-5, 8 and 10 are also allowable, at least by virtue of its dependence from an allowable base claim. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. Entry of this amendment and a Notice of Allowance is respectfully requested.

Respectfully submitted,

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